

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
COLORADO RIVER BASIN REGION**

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. 98-067

IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY  
IN THE MATTER OF  
H.G. & BETTY PARKER, OWNERS/OPERATORS  
SPARKLE PLENTY LAUNDROMAT  
WASTEWATER DISPOSAL FACILITIES  
Twentynine Palms - San Bernardino County

This Order is issued to H.G. & Betty Parker, Owners/Operators of Sparkle Plenty Laundromat for failure to submit monitoring reports and subject to provisions of California Water Code Section 13267.

The California Regional Water Quality Control Board, Colorado River Basin Region, finds that:

1. H.G. & Betty Parker, owners/operators of Sparkle Plenty Laundromat, 73-893 Twentynine Palms Highway, Twentynine Palms, California 92277 were issued Waste Discharge Requirements (Board Order No. 93-051) on March 12, 1993.
2. Pursuant to Section 13267 of the California Water Code, which states in part:

"..the regional board may require that any person who has discharged, discharges, or is suspected of discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires..."
3. Provision C.4. of Board Order No. 93-051 states:

"The discharger shall comply with the attached "Monitoring and Reporting Program No. 93-051", and future revisions thereto, as specified by the Regional Board's Executive Officer."
4. On December 15, 1997, Regional Board staff mailed a reminder notice to H.G. & Betty Parker, noting that the 1997 fourth quarter monitoring report was scheduled to be submitted to our office by January 15, 1998. Regional Board staff included a copy of the monitoring report form with the reminder notice.
5. On January 29, 1998, Regional Board staff mailed a failure to submit letter to H.G. & Betty Parker for failing to submit the 1997 fourth quarter monitoring report.
6. On February 27, 1998, Notice of Violation No. 98-047 was issued by certified mail to H.G. & Betty Parker for failure to submit the 1997 fourth quarter monitoring report. On March 4, 1998, Regional Board staff received the certified return receipt noting the date of delivery as March 2, 1998.
7. On May 11, 1998, Administrative Civil Liability Complaint No. 98-065 was issued by certified mail to H.G. & Betty Parker in the amount of \$282.00 pursuant to Section 13268 of the California Water Code. On May 13, 1998, Regional Board staff received the certified return receipt noting the date of delivery as May 12, 1997.

8. The Regional Board considered the factors found in California Water Code Section 13327:

"In determining the amount of civil liability the regional board, and the state board upon review of any order pursuant to Section 13324, shall take into consideration the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and such other matters as justice may require."

9. With respect to Finding No. 7, above, the Regional Board specifically considered the following:

- a. Nature, circumstance, extent and gravity of the violation: Monitoring is required on an quarterly basis for evaluating the quality of the discharge from this facility. If a report noting the results of this monitoring is not received, it is not possible to determine compliance with the waste discharge requirements. The discharger was given a number of warnings, including Notice of Violation. The discharger did not respond to the Administrative Civil Liability Complaint. The discharger has not disputed the fact they are in violation.
- b. Susceptible to cleanup and abatement: Not applicable
- c. Degree of toxicity of the discharge: Unable to determine without the monitoring reports.
- d. Ability to Pay, the Effect on Ability to Continue in Business: The discharger has not provided Regional Board staff with documentation of any financial difficulty.
- e. Voluntary Cleanup Efforts: Not applicable
- f. Prior History of Violations: The discharger has a history of being issued fail to submit letters for non-submittal of monitoring reports. These violations were cleared upon receipt of the monitoring reports. On May 27, 1997, the discharger was issued Notice of Violation No. 97-079 for failing to submit the 1997 first quarter monitoring report (due April 15, 1997). The violation was cleared upon receipt of the report on July 16, 1997.
- g. Degree of Culpability: The discharger was aware the monitoring report was due upon receipt of Board Order No. 93-051, and is responsible for compliance with the terms and conditions of Board Order No. 93-051 and is therefore fully culpable for the violation described above.
- h. Economic Savings, if any, Resulting from the Violation: By failing to prepare and submit the quarterly monitoring report, the discharger realized economic gains by not complying with the monitoring program.

10. The cost of Regional Board staff time spent in connection with the violation and the Administrative Civil Liability, including investigating with the discharger, drafting the Administrative Civil Liability Complaint and staff report, consulting with the staff attorney and meeting with the Regional Board is estimated to be \$217.00.

11. Issuance of this Order is exempt from the provisions of California Environmental Quality Act (Public Resources Code Section 21000, et. seq.), in accordance with Section 15321(a)(2), Title 14, California Code of Regulations.

IT IS HEREBY ORDERED THAT, pursuant to Section 13268 of the California Water Code, an Administrative Civil Liability is imposed on H.G. & Betty Parker in the amount of \$282.00.

I, Philip A. Gruenberg, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on June 11, 1998.

                    //SIGNED//                      
Executive Officer